



INTERIOR BOARD OF INDIAN APPEALS

Cliv Dore v. Eastern Area Director, Bureau of Indian Affairs

32 IBIA 264 (07/01/1998)

Related Board cases:

31 IBIA 173

32 IBIA 187



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

CLIV DORE,
Appellant

v.

EASTERN AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Docketing and Dismissing
: Appeal
:
:
: Docket No. IBIA 98-109-A
:
:
: July 1, 1998

On June 22, 1998, the Board of Indian Appeals (Board) received a Motion from Appellant Cliv Dore entitled "Motion in the Nature of an Appeal to Assume Jurisdiction." The appeal involves recognition of the Governor for the Passamaquoddy Tribe, Pleasant Point Reservation. At Appellant's request, the Board has twice vacated decisions issued by the Eastern Area Director, Bureau of Indian Affairs (Area Director; BIA), on the grounds that the matter was pending in tribal court. 31 IBIA 173 (1997); 32 IBIA 187 (1998). Appellant has now submitted a copy of a May 30, 1998, order issued by the Passamaquoddy Tribal Court, Appellate Division, declining to accept jurisdiction over the leadership dispute.

Appellant argues that, "[f]or the good of the Passamaquoddy Tribe, jurisdiction over this matter should be assumed by the Bureau of Indian Affairs and a ruling made on the merits." Motion at 2. However, he also asks the Board "to assume jurisdiction over and resolve the pending dispute." Motion at 1.

The Board is not part of BIA, but has been delegated authority by the Secretary of the Interior to review certain decisions issued by BIA officials. 25 C.F.R. § 2.4(e); 43 C.F.R. § 4.1(b)(2). As mentioned, the last decision issued by the Area Director was vacated at 32 IBIA 187. Because there is no BIA decision for the Board to review, this appeal is premature. Appellant must obtain a decision from the Area Director before returning to the Board.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal is dismissed as premature.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge